

**REPORT OF THE AUDIT OF THE  
FORMER CLAY COUNTY  
CLERK**

**For The Period January 1, 2002  
Through January 5, 2003**



**EDWARD B. HATCHETT, JR.**  
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## **EXECUTIVE SUMMARY**

### **AUDIT EXAMINATION OF THE FORMER CLAY COUNTY CLERK**

**For The Period January 1, 2002  
Through January 5, 2003**

The Auditor of Public Accounts has completed the former Clay County Clerk's audit for the period January 1, 2002 through January 5, 2003. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

#### **Financial Condition:**

Excess fees decreased by \$32,022 from the prior calendar year, resulting in excess fees of \$32,851 as of January 5, 2003. Revenues increased by \$2,184 from the prior year and disbursements increased by \$34,206.

#### **Report Comment**

- The Former County Clerk Should Make Final Settlement With The Fiscal Court And Pay Excess Fees

#### **Deposits:**

The former Clerk's deposits were insured and collateralized by bank securities or bonds.



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**EDWARD B. HATCHETT, JR.**  
**AUDITOR OF PUBLIC ACCOUNTS**

To the People of Kentucky

Honorable Paul E. Patton, Governor  
Gordon C. Duke, Secretary  
Finance and Administration Cabinet  
Dana Mayton, Secretary, Revenue Cabinet  
Honorable James Garrison, Clay County Judge/Executive  
Honorable Jennings White, Former Clay County Clerk  
Honorable Freddy Thompson, Clay County Clerk  
Members of the Clay County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of receipts, disbursements, and excess fees of the former County Clerk of Clay County, Kentucky, for the period January 1, 2002 through January 5, 2003. This financial statement is the responsibility of the former County Clerk. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the County Clerk's office prepares the financial statement on a prescribed basis of accounting that demonstrates compliance with the modified cash basis and laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the financial statement referred to above presents fairly, in all material respects, the receipts, disbursements, and excess fees of the former County Clerk for the period January 1, 2002 through January 5, 2003, in conformity with the modified cash basis of accounting.



To the People of Kentucky  
Honorable Paul E. Patton, Governor  
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In accordance with Government Auditing Standards, we have also issued our report dated April 9, 2003, on our consideration of the former County Clerk's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grants. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be read in conjunction with this report in considering the results of our audit.

Based on the results of our audit, we have presented the accompanying comment and recommendation included herein, which discusses the following report comment:

- The Former County Clerk Should Make Final Settlement With The Fiscal Court And Pay Excess Fees

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
April 9, 2003



CLAY COUNTY  
JENNINGS WHITE, FORMER COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES

For The Period January 1, 2002 Through January 5, 2003

State Grants		\$	2,281
State Fees For Services			9,828
Fiscal Court			25,235
Licenses and Taxes:			
Motor Vehicle-			
Licenses and Transfers	\$	491,168	
Usage Tax		1,050,164	
Tangible Personal Property Tax		819,434	
Licenses-			
Fish and Game		5,148	
Marriage		7,556	
Occupational		706	
Entertainment Permit		40	
Deed Transfer Tax		12,773	
Delinquent Tax		124,273	
Elections		4,310	2,515,572
Fees Collected for Services:			
Recordings-			
Deeds, Easements, and Contracts	\$	9,549	
Real Estate Mortgages		9,447	
Chattel Mortgages and Financing Statements		78,179	
Powers of Attorney		2,488	
All Other Recordings		14,239	
Extra Pages Recordings		9,526	
Charges for Other Services-			
Copywork		9,016	
Other Miscellaneous		2,183	134,627

The accompanying notes are an integral part of this financial statement.

CLAY COUNTY  
JENNINGS WHITE, FORMER COUNTY CLERK  
STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
For The Period January 1, 2002 Through January 5, 2003  
(Continued)

Receipts (Continued)

Other:

Miscellaneous	\$	2,107	
Usage Tax Correction		60	
Reimbursements for Overpayments		<u>1,692</u>	\$ 3,859

Interest Earned			<u>1,385</u>
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Total Receipts			\$ 2,692,787
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Disbursements

Payments to State:

Motor Vehicle-

Licenses and Transfers	\$	388,009	
Usage Tax		1,017,768	
Tangible Personal Property Tax		368,237	

Licenses, Taxes, and Fees-

Fish and Game		4,909	
Delinquent Tax		17,623	
Legal Process Tax		<u>18,850</u>	\$ 1,815,396

Payments to Fiscal Court:

Tangible Personal Property Tax	\$	73,020	
Delinquent Tax		11,994	
Deed Transfer Tax		10,888	
Occupational Licenses		<u>589</u>	96,491

Payments to Other Districts:

Tangible Personal Property Tax	\$	338,807	
Delinquent Tax		<u>61,466</u>	400,273

Payments to Sheriff			2,750
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CLAY COUNTY  
 JENNINGS WHITE, FORMER COUNTY CLERK  
 STATEMENT OF RECEIPTS, DISBURSEMENTS, AND EXCESS FEES  
 For The Period January 1, 2002 Through January 5, 2003  
 (Continued)

Disbursements (Continued)

Payments to County Attorney	\$	18,696
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Operating Disbursements and Capital Outlay:

Personnel Services-

Deputies' Salaries	\$	176,704
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Contract Labor		17,855
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Employee Benefits-

Employer's Share Social Security		18,022
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Employer's Paid Health Insurance		10,707
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Kaco Unemployment Insurance		149
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Contracted Services-

Advertising		72
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Roller Shelving		2,281
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Materials and Supplies-

Office Supplies		10,650
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Other Charges-

Election Filing Fees		2,370
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Dues		500
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Postage		6,197
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Refunds		3,931
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Miscellaneous		3,638
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Office Equipment		2,875
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Service Charge		15
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Bank Charges		58		256,024
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Total Disbursements	\$	2,589,630
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Net Receipts	\$	103,157
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Less: Statutory Maximum		66,706
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Excess Fees	\$	36,451
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Less: Expense Allowance		3,600
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Excess Fees Due County as of January 5, 2003	\$	32,851
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The accompanying notes are an integral part of this financial statement.

CLAY COUNTY  
NOTES TO FINANCIAL STATEMENT

January 5, 2003

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of receipts over disbursements to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this basis of accounting, certain receipts and certain expenditures are recognized as a result of accrual at January 5, 2003.

The measurement focus of a fee official is upon excess fees. Remittance of excess fees is due to the County Treasurer in the subsequent year.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the County Clerk's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a multiple-employer public retirement system that covers all eligible full-time employees. Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 6.41 percent for the first six months and 6.34 percent for the last six months of the year.

CLAY COUNTY  
NOTES TO FINANCIAL STATEMENT  
January 5, 2003  
(Continued)

Note 2. Employee Retirement System (Continued)

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record.

Note 3. Deposits

The former County Clerk maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC). According to KRS 64.480(1)(d) and KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the County Clerk and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met, and as of January 5, 2003, the former County Clerk's deposits were fully insured or collateralized at a 100% level with collateral of either pledged securities held by the former County Clerk's agent in the former County Clerk's name, or provided surety bond which named the former County Clerk as beneficiary/obligee on the bond.

Note 4. Grant

The former County Clerk received a local records microfilming grant from the Kentucky Department for Libraries and Archives in the amount of \$13,417 during 2001. The former County Clerk had a beginning balance of \$13,436 on January 1, 2002. During the period of January 1, 2002 through January 5, 2003, the bank account earned \$161 in interest and the former County Clerk spent \$2,281 leaving a balance of \$11,316 on January 5, 2003.

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COMMENT AND RECOMMENDATION





CLAY COUNTY  
JENNINGS WHITE, FORMER COUNTY CLERK  
COMMENT AND RECOMMENDATION

For The Period January 1, 2002 Through January 5, 2003

STATE LAWS AND REGULATIONS:

The Former County Clerk Should Make Final Settlement With The Fiscal Court And Pay Excess Fees

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The former County Clerk owes \$32,851 in excess fees to the Fiscal Court. According to KRS 64.830(2), each outgoing county official shall make a final settlement with the fiscal court of his county by March 15 immediately following the expiration of his term of office for all money received by him as county official and to obtain his quietus, and immediately thereafter he shall deliver these records to the incumbent county official. We recommend the former County Clerk comply with KRS 64.830(2).

*Former County Clerk's Response:*

*We wanted to wait until everything was cleared by the audit.*

Auditor's Reply:

Excess fees of \$32,851 were paid on April 3, 2003.

INTERNAL CONTROL - REPORTABLE CONDITIONS:

None.

INTERNAL CONTROL - MATERIAL WEAKNESSES:

None.

PRIOR YEAR:

- The Former County Clerk Should Have Presented His Annual Financial Settlement To The Fiscal Court And Should Have Settled Excess Fees By March 15 Of The Following Year
- The Former County Clerk Should Have Published His Annual Financial Settlement Within Sixty Days After The End Of The Calendar Year

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REPORT ON COMPLIANCE  
AND ON INTERNAL CONTROL OVER FINANCIAL  
REPORTING BASED ON AN AUDIT OF THE FINANCIAL STATEMENT  
PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





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**Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the statement of receipts, disbursements, and excess fees of the former Clay County Clerk for the period January 1, 2002 through January 5, 2003, and have issued our report thereon dated April 9, 2003. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Compliance

As part of obtaining reasonable assurance about whether the former Clay County Clerk's financial statement for the period January 1, 2002 through January 5, 2003, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed an instance of noncompliance that is required to be reported under Government Auditing Standards and which is described in the accompanying comment and recommendation.

- The Former County Clerk Should Make Final Settlement With The Fiscal Court And Pay Excess Fees



Report On Compliance And On Internal Control  
Over Financial Reporting Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the former Clay County Clerk's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinion on the financial statement and not to provide assurance on the internal control over financial reporting. Our consideration of the internal control over financial reporting would not necessarily disclose all matters in the internal control over financial reporting that might be material weaknesses. A material weakness is a condition in which the design or operation of one or more of the internal control components does not reduce to a relatively low level the risk that misstatements in amounts that would be material in relation to the financial statement being audited may occur and not be detected within a timely period by employees in the normal course of performing their assigned functions. We noted no matters involving the internal control over financial reporting and its operation that we consider to be material weaknesses.

This report is intended solely for the information and use of management and is not intended to be and should not be used by anyone other than the specified party.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ed Hatchett", with a long horizontal flourish extending to the right.

Edward B. Hatchett, Jr.  
Auditor of Public Accounts

Audit fieldwork completed -  
April 9, 2003

